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September 2, 2020

**BY ECF**

Honorable Paul G. Gardephe  
United States District Judge  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

Re: David Fernandez, et al., v. City of N.Y., et al.  
17 CV 00789 (PGG)

Your Honor:

I am counsel for the plaintiffs in this case. I am writing, jointly with counsel for defendants, to respectfully request the Court's advisement as to the scheduling of the trial of this matter.

The Court, by Order dated June 18, 2020 (docket # 115) re-scheduled the trial of this matter to October 19, 2020 (and set forth a schedule for pre-trial submissions for September 21 and 28, 2020). It is my understanding that under current SDNY protocols concerning COVID public health issues, for any jury trial that a judge wishes to occur in this calendar year the judge must have submitted his or her request for a jury trial by August 21, 2020 to a three-judge committee (comprised of Judges Oetken, Castel and Briccetti), and that criminal cases would be receiving priority in scheduling. Would the Court please advise the parties whether such a request has been submitting for the currently scheduled October 19, 2020 trial of this matter, and / or whether there otherwise appears to be any reasonable likelihood that the trial will be able to commence as presently scheduled. If not, would the Court please re-schedule the trial, and the pre-trial submissions deadlines, for some time in March 2021 or later, as is most convenient for the Court.<sup>1</sup>

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<sup>1</sup> Plaintiff's counsel is presently scheduled for a trial the last week of January 2021 before Judge Hellerstein, that may wrap into February.

Thank you for your consideration in this matter.

Respectfully submitted,

/S/

Jeffrey A. Rothman

cc: Brian Zapert, Esq. (by ECF)

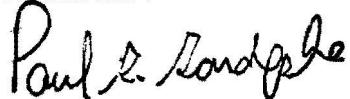
MEMO ENDORSED

The jury trial scheduled for October 19, 2020 is adjourned to February 22, 2021 at 9:30 a.m.

The joint pretrial order, motions in limine, requested voir dire, and requests to charge are due on January 25, 2021. Responsive papers are due February 1, 2021.

The Clerk of the Court is directed to terminate the motions (Dkt. Nos. 114, 117).

SO ORDERED.



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Paul G. Gardephe  
United States District Judge

September 7, 2020